

**Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
200 Fair Oaks Lane, 1st Floor
Frankfort, Kentucky 40601
(502) 573-3382**

Proposed

**AIR QUALITY PERMIT
Issued under 401 KAR 52:020**

Permittee Name: Austin, Nichols & Company, Inc.
Mailing Address: P.O Box 180, 1525 Tyrone Road
Lawrenceburg, KY 40342

Source Name: Wild Turkey Distillery
Mailing Address: 1525 Tyrone Road
Lawrenceburg, KY 40342

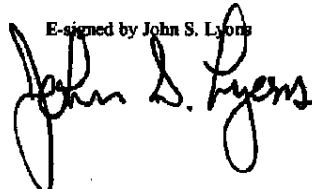
Source Location: 1525 Tyrone Road, Lawrenceburg, KY

Permit: V-08-025
Agency Interest: 28
Activity: APE20080001
Review Type: Title V / Synthetic Minor, Construction /
Operating
Source ID: 21-005-00003

Regional Office: Frankfort Regional Office
663 Teton Trail
Frankfort, KY 40601
(502) 564-3358

County: Anderson

**Application
Complete Date:** July 2, 2008
Issuance Date: September 15, 2008
Revision Date:
Expiration Date: September 15, 2013

E-signed by John S. Lyons


**John S. Lyons, Director
Division for Air Quality**

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Permit	Permit type	Activity#	Complete Date	Issuance Date	Summary of Action
V-98-042	Initial	F472	2/12/98	2/2/99	Initial Title V Permit
V-03-038	Renewal	55921	9/17/03	1/27/07	Title V Renewal Permit
V-03-038 R1	Revision	APE20050001	4/18/05	3/29/05	Addition of 3 bourbon aging warehouses
V-08-025	Renewal	APE20080001	7/2/08		Addition of new distillery operations

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Unit 02 (EP 02-001 and 02-101)

Fermentation Process

Description:

Grain from the mill bins is fed into mash cookers with water. The mixture is heated to convert the grain starches into sugars. The cooked grain/water mixture (a mash) is fed into fermenter vessels in a batch operation.

EP 02-001 – Fermenter Vessels

Maximum Processing Rate: 3500 bushels of grain/day

Maximum Production Rate of Ethanol: 6,515,250 pgal/yr

Construction Commenced: 1933, last modified 2006

Control Device: None

EP 02-101 – Fermenter Vessels

Maximum Processing Rate: 7520 bushels of grain/day

Maximum Production Rate of Ethanol: 13,998,480 pgal/yr

Construction Authorization: V-08-025, projected construction date 2008

Control Device: None

APPLICABLE REGULATIONS:

None

1. Operating Limitations:

None

2. Emission Limitations:

None

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

Pursuant to 401 KAR 52:020, Section 26, the permittee shall monitor the amount of grains processed (tons) for each emission point on an annual basis.

5. Specific Recordkeeping Requirements:

Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain records of the amount of grains processed (tons) for each emission point on an annual basis.

6. Specific Reporting Requirements:

See Section F.

7. Specific Control Equipment Operating Conditions:

None

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Emission Unit 03 (EP 03-101)****Rotary Dryers****Description:**

Two steam rotary dryers for drying spent stillage into DDG.

Maximum Operating Capacity: 2.81 ton/hr of dried grain, total

Control Device: Wet scrubber for PM

Construction Authorization: V-08-025, projected construction date 2008

APPLICABLE REGULATIONS:

401 KAR 59:010, New process operations, applicable to an emission unit that commenced on or after July 2, 1975.

1. Operating Limitations:

None

2. Emission Limitations:

- a. Pursuant to 401 KAR 59:010, Section 3(2), particulate emissions from the stack shall not exceed $[3.59(P)^{0.62}]$ pound per hour, based on a three-hour average, where P is the weekly average processing rate in tons per hour. If the process rate weight is 1,000 lbs/hr or less than the limit on particulate matter emissions is 2.34 lbs/hr.

Compliance Demonstration:

The permittee may demonstrate compliance with the particulate matter emission limit by using the following equation:

$$PM \text{ emission rate (lb / hr)} = EF(\text{lb / ton}) \times P(\text{ton / hr}) \times (100\% - CE(\%))$$

EF = 0.557 lb/ton from AP-42 9.9.7-1 and 9.9.1-2

P = weekly average processing rate

CE = control efficiency of the wet scrubber (90%)

- b. Pursuant to 401 KAR 59:010, Section 3(1)(a), any continuous emissions into the open air shall not exceed twenty (20) percent opacity, based on a six-minute average.

3. Testing Requirements:

See Section G, General Provisions 4 and 5

4. Specific Monitoring Requirements:

- a. Pursuant to 401 KAR 52:020, Section 26, the permittee shall perform a qualitative visible observation of the opacity emissions from the stack on a weekly basis (when in operation). If visible emissions from the stack are seen (not including condensed water vapor within the plume), then the opacity shall be determined by EPA Reference Method 9 and if the opacity reading is greater than 20 percent, then initiate an inspection of the equipment for any repairs (see Section F.7).
- b. Pursuant to 401 KAR 52:020, Section 26, the permittee shall monitor the amount of dried grain processed (tons) and hours of operation on a weekly basis.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Recordkeeping Requirements:

- a. Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain records of the amount of dried grain processed (tons) and hours of operation on a weekly basis.
- b. Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain a log of the weekly qualitative visible observation of the opacity emissions from the stack.

6. Specific Reporting Requirements:

See Section F.

7. Specific Control Equipment Operating Conditions:

- a. Pursuant to 401 KAR 50:055, the wet scrubber shall be operated to maintain compliance with permitted emission limitations in accordance with manufacturer's specifications and/or standard operating practices.
- b. Pursuant to 401 KAR 52:020, Section 26, records regarding the maintenance of the wet scrubber shall be maintained.
- c. See Section E

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit 04 (EP 04-002)

Barrel Aging

Description:

Whiskey filled barrels are aged in warehouses until the desired aging has occurred.

Barrel Storage Capacity at Distillery: 603,132 bbl

Barrel Storage Capacity at Offsite (McBrayer) Warehouse: 67,818 bbl

Construction Commenced: 1933-1995

Construction Authorization: V-08-025, modification, projected construction date 2008

APPLICABLE REGULATIONS:

None

1. Operating Limitations:

None

2. Emission Limitations:

None

3. Testing Requirements:

See Section G, General Provisions 4 and 5

4. Specific Monitoring Requirements:

Pursuant to 401 KAR 52:020, Section 26, the permittee shall monitor the number of barrels processed at each location on a yearly basis.

5. Specific Recordkeeping Requirements:

Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain records of the number of barrels processed at each location on a yearly basis.

6. Specific Reporting Requirements:

See Section F.

7. Specific Control Equipment Operating Conditions:

None

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit 05
(EP 05-001, 05-002, 05-004, 05-104)

Storage Tanks and Equipment Leaks

EP 05-001 and 05-002

Aged bourbon is fed either to the outside processing/bottling tanks (05-001) or the inside processing/bottling tanks (05-002) for intermediate storage.

Outside Process Bottling Tanks Capacity: 6,999,240 pgal/yr

Inside Process Bottling Tanks Capacity: 6,999,240 pgal/yr

Construction Commenced: On or before 1980

Construction Authorization: V-08-025, proposed capacity modification, projected construction date 2008

EP 05-004 and 05-104

Equipment leak fugitive emissions occur from the piping components throughout the facility.

EP 05-004: Pumps, Valves and Fittings – 375 valves, 25 pump seals, 150 connectors

Construction Commenced: 1933-1995

EP 05-104: Pumps, Valves and Fittings – 400 valves, 38 pump seals, 900 connectors

Construction Authorization: V-08-025, projected construction date 2008

APPLICABLE REGULATIONS:

None

1. Operating Limitations:

None

2. Emission Limitations:

None

3. Testing Requirements:

See Section G, General Provisions 4 and 5

4. Specific Monitoring Requirements:

Pursuant to 401 KAR 52:020, Section 26, the permittee shall monitor the proof gallons processed on an annual basis.

5. Specific Recordkeeping Requirements:

Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain records of the proof gallons processed on an annual basis.

6. Specific Reporting Requirements:

None

7. Specific Control Equipment Operating Conditions:

None

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit 06 (EP 10-001)

Indirect Heat Exchanger

Description:

Keeler Underfeed Stoker Coal-Fired Boiler

Maximum Heat Input: 41.1 MMBtu/hr

Construction Commenced: 1982

Control Device: Multicyclone

APPLICABLE REGULATIONS:

401 KAR 59:015, New indirect heat exchangers, applicable to an emissions unit with a capacity of less than 250 MMBtu/hr which commenced on or after April 9, 1972.

NON-APPLICABLE REGULATIONS:

Clean Air Act, Section 112(j). The permittee has taken federally enforceable operating and emission limits to preclude the applicability of these standards.

1. Operating Limitations:

- a. To preclude the applicability of CAA, Section 112(j), this unit is limited to a coal usage rate in combination with the chlorine content of the fuel burned such that source-wide HCl emissions do not exceed 9.0 tons per year based on a 12-month rolling total.

Compliance Demonstration:

To demonstrate compliance with this limitation, the permittee shall meet the requirements of Section D.6.

- b. See Section D for source-wide limitations.

2. Emission Limitations:

- a. Pursuant to 401 KAR 59:015, Section 4(1)(c), particulate matter emissions from this unit shall not exceed 0.32 lb/MMBtu heat input, based on a three-hour average.

Compliance Demonstration:

The permittee shall demonstrate compliance with this emission limitation by using the results of the most recent performance test for PM emissions from this unit, currently 0.22 lb/MMBtu (November, 2005).

- b. Pursuant to 401 KAR 59:015, Section 4(2), visible emissions shall not exceed twenty (20) percent opacity, based on a six-minute average, except:
 1. A maximum of forty (40) percent opacity shall be permissible for not more than six (6) consecutive minutes in any sixty (60) consecutive minutes during cleaning the fire box or blowing soot, and

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. For emissions from an indirect heat exchanger during building a new fire for the time period required to bring the boiler up to operating conditions provided the method used is that recommended by the manufacturer and the time does not exceed the manufacturer's recommendations.
- c. Pursuant to 401 KAR 59:015, Section 5(1)(a), sulfur dioxide emission shall not exceed 1.72 lb/MMBtu heat input, based on a twenty-four-hour average.

Compliance Demonstration:

The permittee may use the following equation to demonstrate compliance with the SO₂ emission limit, per shipment of coal:

$$SO_2 \text{ emissions (lb / MMBtu)} = \frac{S \times EF \text{ (lb / ton)}}{\text{Heat content of fuel (MMBtu / ton)}}$$

S = percent sulfur content of coal, per shipment

EF = 31 lb/ton (AP-42 1.1-3)

3. Testing Requirements:

Pursuant to 401 KAR 50:045, the permittee shall submit a schedule by November 1, 2009 to conduct at least one performance test for particulate matter (PM) using EPA Reference Method 5 by November 1, 2010. This performance test shall be conducted while burning a representative fuel.

4. Specific Monitoring Requirements:

- a. Pursuant to 401 KAR 52:020, Section 26, the permittee shall monitor the hours of operation and fuel usage on a monthly basis.
- b. Pursuant to 401 KAR 52:020, Section 26, the permittee shall monitor the sulfur content, heat content, and chlorine content of a representative sample of coal burned each week. Each representative sample shall be a composite of a grab sample from each shipment received during the calendar week.
- c. Pursuant to 401 KAR 52:020, Section 26, the permittee shall perform a qualitative visible observation of the opacity of emissions from the stack on a weekly basis (when in operation). If visible emissions from the stack are seen (not including condensed water vapor within the plume), then the opacity shall be determined by EPA Reference Method 9 and if the opacity reading is greater than 20 percent, then initiate an inspection of the equipment for any repairs (See Section F.7).

5. Specific Recordkeeping Requirements:

- a. Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain records of the hours of operation and fuel usage on a monthly basis.
- b. Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain records of the sulfur content, heat content, and chlorine of coal, per shipment.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- c. Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain a log of the weekly qualitative visible observation of the opacity emissions from the stack.

6. Specific Reporting Requirements:

See Section F.

7. Specific Control Equipment Operating Conditions:

- a. Pursuant to 401 KAR 50:055, the multicyclone shall be operated to maintain compliance with permitted emission limitations in accordance with manufacturer's specifications and/or standard operating practices.
- b. Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain records of maintenance of the multicyclone.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit 07 (EP 10-002)

Indirect Heat Exchanger

Description:

Cleaver Brooks Natural Gas Boiler

Maximum Heat Input: 70.2 MMBtu/hr

Construction Commenced: 1977

APPLICABLE REGULATIONS:

401 KAR 59:015, New indirect heat exchangers, applicable to an emissions unit with a capacity of less than 250 MMBtu/hr which commenced on or after April 9, 1972.

1. Operating Limitations:

See Section D for source-wide limitations.

2. Emission Limitations:

- a. Pursuant to 401 KAR 59:015, Section 4(1)(c), particulate matter emissions from this unit shall not exceed 0.35 lb/MMBtu heat input, based on a three-hour average.
- b. Pursuant to 401 KAR 59:015, Section 4(2), visible emissions shall not exceed twenty (20) percent opacity, based on a six-minute average, except:
 1. A maximum of forty (40) percent opacity shall be permissible for not more than six (6) consecutive minutes in any sixty (60) consecutive minutes during cleaning the fire box or blowing soot, and
 2. For emission from an indirect heat exchanger during building a new fire for the time period required to bring the boiler up to operating conditions provided the method used is that recommended by the manufacturer and the time does not exceed the manufacturer's recommendations.
- c. Pursuant to 401 KAR 59:015, Section 5(1)(a), sulfur dioxide emissions shall not exceed 1.35 lb/MMBtu heat input, based on a twenty-four-hour average.

Compliance Demonstration:

This unit is considered to be in compliance with the particulate matter, opacity and sulfur dioxide emission limitations while burning natural gas.

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

Pursuant to 401 KAR 52:020, Section 26, the permittee shall monitor natural gas usage (scf) on a monthly basis.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Recordkeeping Requirements:

Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain records of natural gas usage (scf) on a monthly basis.

6. Specific Reporting Requirements:

See Section F.

7. Specific Control Equipment Operating Conditions:

None

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Units 08 and 09 (EP 10-101 and 10-102) Indirect Heat Exchangers

Description:

Two Hurst Hybrid RG 1500hp Boilers

Maximum Heat Input: 65.56 MMBtu/hr, each

Primary Fuel: Wood

Alternate Fuel: Coal

Construction Commenced: Proposed 2008

Construction Authorization: V-08-025, projected construction date 2008

Control Devices: Wet Electrostatic Precipitator (WESP) for PM

Acid gas scrubber, when burning coal

APPLICABLE REGULATIONS:

401 KAR 59:015, New indirect heat exchangers, applicable to an emissions unit with a capacity of less than 250 MMBtu/hr which commenced on or after April 9, 1972.

40 CFR 60, Subpart Dc, Standards of performance for small industrial-commercial-institutional steam generating units, applies to each steam generating unit commenced after June 8, 1989 that has a maximum design heat input capacity between 10 and 100 MMBtu/hr.

NON-APPLICABLE REGULATIONS:

401 KAR 51:017, Prevention of significant deterioration of air quality. The permittee has taken federally enforceable operating and emission limitations to preclude the applicability of these standards.

Clean Air Act, Section 112(g). The permittee has taken federally enforceable operating and emission limitations to preclude the applicability of these standards.

1. Operating Limitations:

- a. To preclude applicability of 401 KAR 51:017, the total heat input to Emission Units 08, 09 and 10 shall not exceed 749,760 MMBtu per year based on a 12-month rolling total.

Compliance Demonstration:

To demonstrate compliance with this limitation, the permittee shall meet the requirements of 4.d, Specific Monitoring Requirements and 5.b, Specific Recordkeeping Requirements and the twelve-month rolling total shall be calculated monthly and reported semi-annually (see Section F). The permittee shall maintain onsite, available for review by the Division, a log of the twelve-month rolling total.

- b. To preclude applicability of 401 KAR 51:017 and CAA Section 112(g), the WESP acid gas removal system shall be operated when burning coal.

Compliance Demonstration:

To demonstrate compliance with the operating limitations, permittee shall following the requirements of 4.c and 4.k, Specific Monitoring Requirements and 5.a and 5.g, Specific Recordkeeping Requirements.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- c. Pursuant to 401 KAR 52:020, Section 26, the permittee shall configure both units to burn the same type of fuel, either both burn wood or both burn coal, and any other configuration would require the permittee to apply to the Division for a revision to this permit.

2. Emission Limitations:

The following limitations apply when burning either wood or coal:

- a. Pursuant to §60.43c (e)(1), the permittee shall not cause to be discharged into the atmosphere any gases that contain PM in excess of 0.030 lb/MMBtu heat input, for each unit.

Compliance demonstration:

The permittee shall demonstrate compliance with the PM standard by using the vendor provided guarantee of 0.017 lb/MMBtu for the WESP. Emission rates determined from PM performance tests will replace this method and will be used for future compliance demonstration.

- b. Pursuant to §60.43c (c), the permittee shall not cause to be discharged into the atmosphere any gases that exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity.
- c. Pursuant to §60.43c (d), the PM and opacity standards apply at all times, except during periods of startup, shutdown, or malfunction.

The following limitations apply only when burning wood:

- d. Pursuant to 401 KAR 59:015, Section 5(1)(b), sulfur dioxide emissions shall not exceed 1.2 lb/MMBtu heat input, based on a twenty-four-hour average, for each unit.

Compliance Demonstration:

The permittee may demonstrate compliance with the SO₂ standard by using the AP-42 Table 1.6-1 emission factor for wood, currently 0.025 lb/MMBtu.

The following limitations apply only when burning coal:

- e. Pursuant to §60.42c (c), the permittee shall not cause to be discharged into the atmosphere any gases than contain SO₂ in excess of 1.2 lb/MMBtu heat input, based on a 30-day rolling average.

Compliance Demonstration:

The permittee may assure compliance with the SO₂ emission limit by meeting the requirements of 4.a, 4.b, and 4.c, Specific Monitoring Requirements.

- f. Pursuant to §60.42c (i), the SO₂ emission limit applies at all times, including periods of startup, shutdown, and malfunction.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**3. Testing Requirements:**

The following testing requirements only apply when burning wood:

- a. Pursuant to §60.45c, within 180 days after initial startup of the units, the permittee shall conduct a performance test for each unit for PM emissions, using EPA Reference Method 5B or 17, according to the methods and procedures in §60.45c (a)(1)-(8). This performance test shall not be performed concurrently with both emission units 08 and 09 running, and the testing shall be conducted under conditions representative of maximum emissions potential under anticipated operating conditions at the pollutant-specific emissions unit.
- b. Pursuant to 401 KAR 50:045, within 180 days after initial startup of the units, the permittee shall conduct a performance test for CO emissions using EPA Reference Method 10. This performance test shall not be performed concurrently with both emission units 08 and 09 running, and the testing shall be conducted under conditions representative of maximum emissions potential under anticipated operating conditions at the pollutant-specific emissions unit.

The following testing requirements only apply when burning coal:

- c. Pursuant to §60.44c (a), within 30 days after achieving the maximum production rate but no later than 180 days after the initial startup of the units, the permittee shall conduct a performance test for each unit for SO₂ emissions according to the methods and procedures in §60.45c (b)-(f), as applicable.
- d. Pursuant to §60.45c, within 180 days after initial startup of the units, the permittee shall conduct a performance test for each unit for PM emissions according to the methods and procedures in §60.45c (a)(1)-(8). This performance test shall not be performed concurrently with both emission units 08 and 09 running, the testing shall be conducted under conditions representative of maximum emissions potential under anticipated operating conditions at the pollutant-specific emissions unit.
- e. Pursuant to 401 KAR 50:045, within 180 days after initial startup of the units the permittee shall conduct a performance test for hydrogen chloride emissions, using EPA Reference Method 26. This performance test shall not be performed concurrently with both emission units 08 and 09 running, and the testing shall be conducted under conditions representative of maximum emissions potential under anticipated operating conditions at the pollutant-specific emissions unit.

4. Specific Monitoring Requirements:

The following monitoring requirements apply when burning either wood or coal:

- a. Pursuant to §60.47c (a), the owner or operator shall install, calibrate, maintain, and operate a COMS for measuring the opacity of the emissions discharged to the atmosphere and record the output of the system.
- b. Pursuant to §60.47c (b), all COMS for measuring opacity shall be operated in accordance with the applicable procedures under Performance Specification 1 of appendix B to 40 CFR 60. The span value of the opacity COMS shall be between 60 and 80 percent.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- c. Pursuant to 401 KAR 52:020, Section 26, the permittee shall monitor the secondary amperage and secondary voltage of the WESP on an hourly basis.
- d. Pursuant to 401 KAR 52:020, Section 26, the permittee shall monitor the total heat input (MMBtu) during each calendar month.

The following monitoring requirements apply only when burning wood:

- e. Pursuant to 401 KAR 52:020, Section 26, the permittee shall monitor the heat content (Btu/lb) and moisture content (percent) of a representative sample of wood burned each week. Each representative sample shall be a composite of a grab sample from each shipment received during the calendar week.
- f. Pursuant to §60.48c (g)(2), the permittee shall monitor the amount of fuel combusted during each calendar month, for each unit.

The following monitoring requirements apply only when burning coal:

- g. Pursuant to §60.48c (g)(1), the permittee shall monitor the amount of coal combusted during each operating day, for each unit.
- h. Pursuant to §60.46c (a), the permittee shall install, calibrate, maintain, and operate a CEMS for measuring SO₂ concentrations and either O₂ or CO₂ concentrations at the outlet of the SO₂ control device, and shall record the output of the system.
- i. Pursuant to §60.46c (b), the 1-hour average SO₂ emission rates measure by a CEMS shall be expressed in ng/J or lb/MMBtu heat input and shall be used to calculate the average emission rates under 40 CFR 60.42c. Each 1-hour average SO₂ emission rate must be based on at least 30 minutes of operation, and shall be calculated using the data points required under §60.13(h)(2). Hourly SO₂ emission rates are not calculated if the affected facility is operated less than 30 minutes in a 1-hour period and are not counted toward determination of a steam generating unit operating day.
- j. Pursuant to §60.46c (c), the procedures under §60.13 shall be followed for installation, evaluation, and operation of the CEMS.
- k. Pursuant to 401 KAR 52:020, Section 26, the permittee shall monitor the heat content (Btu/lb), sulfur content (percent by weight) and chlorine content (percent by weight) of a representative sample of coal burned each week. Each representative sample shall be a composite of a grab sample from each shipment received during the calendar week.
- l. Pursuant to 401 KAR 52:020, Section 26, the permittee shall monitor the pH of the scrubbing liquid and the scrubbing liquid flow rate (gal/min) of the acid gas scrubber on an hourly basis.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**5. Specific Recordkeeping Requirements:**

The following recordkeeping requirements apply when burning wood or coal:

- a. Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain records of the secondary amperage and secondary voltage of the WESP on an hourly basis. Excursions from normal operating ranges, set during the performance tests, shall also be recorded.
- b. Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain records of the total heat input (MMBtu) during each calendar month.

When burning wood:

- c. Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain records of the heat content (Btu/lb) and moisture content (percent) of each shipment of wood.
- d. Pursuant to §60.48c (g)(2) and 401 KAR 52:020, Section 26, the permittee shall record and maintain records of the amount of fuel combusted during each calendar month, for each unit.

When burning coal:

- e. Pursuant to §60.48c (e), the permittee shall maintain records and submit reports as required under 40 CFR 60.48c (d), including the items in §60.48c e(1)-(11).
- f. Pursuant to §60.48c (g)(1), the permittee shall record and maintain records of the amount of coal combusted during each operating day, for each unit.
- g. Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain records of the heat content (Btu/lb), sulfur content (percent by weight) and chlorine content (percent by weight) for each shipment of coal.
- h. Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain records of the pH of the scrubbing liquid and the scrubbing liquid flow rate (gal/min) of the acid gas scrubber on an hourly basis.

6. Specific Reporting Requirements:

- a. Pursuant to §60.48c (b), the permittee shall submit to the Division the performance test data from the initial and any subsequent performance tests and, if applicable, the performance evaluation of the CEMS and/or COMS using the applicable performance specifications in appendix B to 40 CFR 60, within 45 days of completion of field work (see Section G.5.c).
- b. Pursuant to §60.48c (c) and 401 KAR 50:055, Section 1, the permittee shall submit excess emission reports for any excess emissions from the affected facility that occur during the reporting period.
- c. The permittee shall notify the Division in writing at least 30 days prior to switching from burning wood to coal.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

7. Specific Control Equipment Operating Conditions:

Pursuant to 401 KAR 50:055, the WESP and acid gas scrubber shall be operated to maintain compliance with permitted emission limitations in accordance with manufacturer's specifications and/or standard operating practices.

- a. Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain records of maintenance of the WESP and acid gas scrubber.
- b. See Section E.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit 10 (EP 10-103)

Indirect Heat Exchanger

Description:

Hurst Natural Gas-Fired Boiler

Maximum Heat Input: 49.31 MMBtu/hr

Construction Authorization: V-08-025, projected construction date 2008

APPLICABLE REGULATIONS:

401 KAR 59:015, New indirect heat exchangers, applicable to an emissions unit with a capacity of less than 250 MMBtu/hr which commenced on or after April 9, 1972.

40 CFR 60, Subpart Dc, Standards of performance for small industrial-commercial-institutional steam generating units, applies to each steam generating unit commenced after June 8, 1989 that has a maximum design heat input capacity between 10 and 100 MMBtu/hr.

1. Operating Limitations:

To preclude applicability of 401 KAR 51:017, the total heat input to Emission Units 08, 09 and 10 shall not exceed 749,760 MMBtu per year based on a 12-month rolling total.

Compliance Demonstration:

To demonstrate compliance with this limitation, the permittee shall meet the requirements of 4.b, Specific Monitoring Requirements and 5.b, Specific Recordkeeping Requirements and the twelve-month rolling total shall be calculated monthly and reported semi-annually (see Section F). The permittee shall maintain onsite, available for review by the Division, a log of the twelve-month rolling total

2. Emission Limitations:

- a. Pursuant to 401 KAR 59:015, Section 4(1)(b), particulate matter emissions from this unit shall not exceed 0.10 lb/MMBtu heat input, based on a three-hour average.
- b. Pursuant to 401 KAR 59:015, Section 4(2), visible emissions shall not exceed twenty (20) percent opacity, based on a six-minute average, except:
 1. A maximum of forty (40) percent opacity shall be permissible for not more than six (6) consecutive minutes in any sixty (60) consecutive minutes during cleaning the fire box or blowing soot, and
 2. For emission from an indirect heat exchanger during building a new fire for the time period required to bring the boiler up to operating conditions provided the method used is that recommended by the manufacturer and the time does not exceed the manufacturer's recommendations.
- c. Pursuant to 401 KAR 59:015, Section 5(1)(b), sulfur dioxide emissions shall not exceed 0.8 lb/MMBtu heat input, based on a twenty-four-hour average.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Compliance Demonstration:

This unit is considered to be in compliance with the particulate matter, opacity and sulfur dioxide emission limitations while burning natural gas.

3. Testing Requirements:

See Section G, General Provisions 4 and 5

4. Specific Monitoring Requirements:

- a. Pursuant to 401 KAR 52:020, Section 26, the permittee shall monitor natural gas usage (scf) on a monthly basis.
- b. Pursuant to 401 KAR 52:020, Section 26, the permittee shall monitor the total heat input (MMBtu) during each calendar month.

5. Specific Recordkeeping Requirements:

- a. Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain records of natural gas usage on a monthly basis.
- b. Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain records of the total heat input (MMBtu) during each calendar month.

6. Specific Reporting Requirements:

See Section F.

7. Specific Control Equipment Operating Conditions:

None

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emissions Unit 11 (EP 13-101)

Cooling Tower

Description:

Distillery Cooling Tower

Maximum continuous rating: 210,300 gallons/hr

Construction Authorization: V-08-025, projected construction date 2008

APPLICABLE REGULATIONS:

401 KAR 63:010, Fugitive emissions, applicable to each affected facility which emits or may emit fugitive emissions and is not elsewhere subject to an opacity standard within the administrative regulations of the Division for Air Quality.

1. Operating Limitations:

Pursuant to 401 KAR 63:010, Section 3(1), the permittee shall not cause, suffer, or allow any material to be handled, processed, transported, or stored; a building or its appurtenances to be constructed, altered, repaired, or demolished, or a road to be used without taking reasonable precaution to prevent particulate matter from becoming airborne.

2. Emission Limitations:

Pursuant to 401 KAR 63:010, Section 3(2), the permittee shall not cause or permit discharge of fugitive dust emissions beyond the property line.

3. Testing Requirements:

See Section G, General Provisions 4 and 5

4. Specific Monitoring Requirements:

Pursuant to 401 KAR 52:020, Section 26, the permittee shall monitor water circulated on a monthly basis.

5. Specific Recordkeeping Requirements:

Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain records of water circulated on a monthly basis.

6. Specific Reporting Requirements:

See Section F.

7. Specific Control Equipment Operating Conditions:

None

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. Although these activities are designated as insignificant the permittee must comply with the applicable regulation. Process and emission control equipment at each insignificant activity subject to an opacity standard shall be inspected monthly and a qualitative visible emissions evaluation made. Results of the inspection, evaluation, and any corrective action shall be recorded in a log.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Grain Receiving (01-001)	401 KAR 59:010
2. Grain Conveying (01-002)	401 KAR 59:010
3. Grain Storage (01-003)	401 KAR 59:010
4. Hammermilling (01-005)	401 KAR 59:010
5. Mill Bin Loading (01-006)	401 KAR 59:010
6. Barrel Filling (04-001)	401 KAR 59:010
7. Barrel Emptying (04-003)	401 KAR 59:010
8. Product Tanker Loading (05-005)	NA
9. Coal Stockpile (10-003)	401 KAR 63:010
10. Coal Bucket Elevator (10-004)	401 KAR 59:010
11. Coal Silo Loading (10-005)	401 KAR 59:010
12. Coal Bunker Filling (10-006)	401 KAR 61:020
13. Ash Loading (10-007)	401 KAR 63:010
14. Ash Disposal Pile (10-008)	401 KAR 63:010
15. Roadway Fugitives (11-001)	401 KAR 63:010
16. Wastewater Treatment System (12-001)	NA
17. Cooling Tower (13-001)	401 KAR 63:010
18. Cooling Tower (13-002)	401 KAR 63:010
19. Blended Waste Oil Tank	NA
20. 174 hp Diesel Fire Pump	None, provided the unit is not operated more than 500 hours per year, verifiable by appropriate records
21. 4.2 MMBtu/hr Bottling Heating Boiler	401 KAR 59:015
22. Cookers	NA
23. Distillation Column	NA
24. Condensers	NA
25. Solvent Degreasers	401 KAR 59:185
26. Grain Receiving (01-101)	401 KAR 59:010
27. Grain Conveying (01-102)	401 KAR 59:010
28. Grain Storage (01-103)	401 KAR 59:010
29. Hammermilling (01-104)	401 KAR 59:010
30. Mill Bin Loading (01-105)	401 KAR 59:010

SECTION C - INSIGNIFICANT ACTIVITIES (CONTINUED)

	<u>Description</u>	<u>Generally Applicable Regulation</u>
31.	Scale Bin Loading (01-106)	401 KAR 59:010
32.	Rotary Air Cooler (03-102)	401 KAR 59:010
33.	DDG Silo Storage (03-103)	401 KAR 59:010
34.	DDG Loading (03-104)	401 KAR 63:010
35.	Wood/Coal Receiving (10-104)	401 KAR 63:010
36.	Wood/Coal Bucket Elevator (10-105)	401 KAR 59:010
37.	Wood/Coal Silo Loading (10-106)	401 KAR 59:010
38.	Wood/Coal Bunker Filling (10-107)	401 KAR 59:010
39.	Dry House Cooling Tower (13-102)	401 KAR 63:010

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Particulate matter, sulfur dioxide, hydrogen chloride and opacity emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.
3. To preclude the applicability of 401 KAR 51:017, Prevention of Significant Deterioration of Air Quality, total source-wide emissions of sulfur dioxide shall not exceed 225 tons per year based on a twelve month rolling total.

Compliance Demonstration:

Monthly sulfur dioxide emissions can be calculated using the following formula for each fuel burned:

$$SO_2 \text{ emissions (tons)} = \frac{EF \text{ (lbs / SCC units)} \times \text{monthly fuel use (SCC units)}}{2000 \text{ (lbs / ton)}} \times (100\% - CE(\%))$$

EF = emission factor from AP-42 Chapter 1 (coal= 38S for overfeed stoker and 31S lb/ton for underfeed stoker, natural gas = 0.6 lbs/MMscf, wood = 0.33 lb/ton) or stack tests

SCC units = tons for solid fuels, 1,000 gallons for liquid fuels, MMscf for gaseous fuels

CE = Control efficiency of control device

To demonstrate compliance with this emission limitation, the twelve-month rolling total shall be calculated monthly and reported semi-annually (see Section F). The permittee shall maintain onsite, available for review by the Division, a log of the 12-month rolling total.

4. To preclude the applicability of 401 KAR 51:017, Prevention of Significant Deterioration of Air Quality, total source-wide emissions of carbon monoxide shall not exceed 225 tons per year based on a twelve month rolling total.

Compliance Demonstration:

Monthly carbon monoxide emissions can be calculated using the following formula for each fuel burned:

$$CO \text{ emissions (tons)} = \frac{EF \text{ (lbs / SCC units)} \times \text{monthly fuel use (SCC units)}}{2000 \text{ (lbs / ton)}}$$

EF = emission factor from AP-42 Chapter 1 (coal= 6 lbs/ton for overfeed stoker and 11lb/ton for underfeed stoker, natural gas = 84 lb/MMscf, wood = 7.92 lb/ton) or stack tests

SCC units = tons for solid fuels, 1,000 gallons for liquid fuels, MMscf for gaseous fuels

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS (CONTINUED)

To demonstrate compliance with this emission limitation, the twelve-month rolling total shall be calculated monthly and reported semi-annually (see Section F). The permittee shall maintain onsite a log of the 12-month rolling total available for review by the Division.

5. To preclude the applicability of 401 KAR 51:017, Prevention of Significant Deterioration of Air Quality, total source-wide emissions of nitrogen oxides shall not exceed 225 tons per year based on a twelve month rolling total.

Compliance Demonstration:

Monthly nitrogen oxide emissions can be calculated using the following formula for each fuel burned:

$$NO_x \text{ emissions (tons)} = \frac{EF \text{ (lbs / SCC units)} \times \text{monthly fuel use (SCC units)}}{2000 \text{ (lbs / ton)}}$$

EF = emission factor from AP-42 Chapter 1 (coal= 7.5 lb/ton for overfeed stoker and 9.5 lb/ton for underfeed stoker, natural gas = 100 lbs/MMscf, wood = 6.47 lb/ton)

SCC units = tons for solid fuels, 1,000 gallons for liquid fuels, MMscf for gaseous fuels

To demonstrate compliance with this emission limitation, the twelve-month rolling total shall be calculated monthly and reported semi-annually (see Section F). The permittee shall maintain onsite a log of the 12-month rolling total available for review by the Division.

6. To preclude the applicability of CAA Section 112, source-wide emissions of a single Hazardous Air Pollutant (HAP), hydrogen chloride, shall not exceed 9.0 tons per year based on a twelve-month rolling total.

Compliance Demonstration:

Monthly HCl emissions shall be calculated using the following formula, for each fuel burned:

$$HCl \text{ emissions (tons)} = \frac{\text{monthly fuel usage (SCC units)} \times EF \text{ (lb / SCC units)}}{2000 \text{ (lb / ton)}} \times (100\% - CE(\%))$$

EF = emission factor from AP-42 Chapter 1 or fuel analysis (coal = monthly average chlorine content of coal, wood = 0.25 lb/ton, and natural gas = 0 lb/MMscf)

SCC units = tons for solid fuels, 1,000 gallons for liquid fuels, MMscf for gaseous fuels

CE = control efficiency

To demonstrate compliance with this emission limitation, the twelve-month rolling total shall be calculated monthly and reported semi-annually (see Section F). The permittee shall maintain onsite a log of the 12-month rolling total available for review by the Division.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b-IV-1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b-IV-2 and 1a-8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Deviations from permit requirements, including those previously reported under F.7 above, shall be included in the semiannual report required by F.6 [Sections 1b-V, 3 and 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
 - a. Identification of the term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications shall be mailed to the following addresses:

Division for Air Quality
Frankfort Regional Office
663 Teton Trail
Frankfort, KY 40601

U.S. EPA Region 4
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St.
Atlanta, GA 30303-8960

Division for Air Quality
Central Files
200 Fair Oaks Lane, 1st floor
Frankfort, KY 40601

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.

SECTION G - GENERAL PROVISIONS

1. General Compliance Requirements

- a. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 Section 3(1)(b) and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
- b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
 - (2) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - (3) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;
 - (4) New requirements become applicable to a source subject to the Acid Rain Program.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

- d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 7 and 8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:020 Section 3(1)(c)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].
- g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens. [Section 1a-15-b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a-10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3) 2.].
- l. This permit does not convey property rights or exclusive privileges [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
- n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3) 4.].
- o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3) 1.].

SECTION G - GENERAL PROVISIONS (CONTINUED)

- p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
- q. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
 - (1) Applicable requirements that are included and specifically identified in the permit and
 - (2) Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

- a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
- b. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].

3. Permit Revisions

- a. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
- b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

SECTION G - GENERAL PROVISIONS (CONTINUED)**4. Construction, Start-Up, and Initial Compliance Demonstration Requirements**

Pursuant to a duly submitted application(s) the Kentucky Division for Air Quality hereby authorizes the construction of the equipment described herein and identified as having Construction Authorization in Section B of this permit (emission units 02, 03, 04, 05, 08, 09, 10 and 11). The construction must be performed in accordance with the terms and conditions of the authorizing permit.

- a. Construction of any process and/or air pollution control equipment authorized shall be conducted and completed only in compliance with the conditions of the authorizing permit.
- b. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
 - (1) The date when construction commenced.
 - (2) The date of start-up of the affected facilities listed in this permit.
 - (3) The date when the maximum production rate specified in the permit application was achieved.
- c. Pursuant to 401 KAR 52:020, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by the authorizing permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the Cabinet may extend these time periods if the source shows good cause.
- d. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the proposed permit. Operational or final permit approval is not granted by this permit until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055. If compliance is not demonstrated within the prescribed timeframe provided in 401 KAR 50:055, the source shall operate thereafter only for the purpose of demonstrating compliance, unless otherwise authorized by Section I of this permit or order of the Cabinet.
- e. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements. Testing must also be conducted in accordance with General Provisions G.5 of this permit.

SECTION G - GENERAL PROVISIONS (CONTINUED)

- f. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire.

5. Testing Requirements

- a. Pursuant to 401 KAR 50:045 Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.
- b. Pursuant to 401 KAR 50:045 Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.
- c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

6. Acid Rain Program Requirements

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

7. Emergency Provisions

- a. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - (1) An emergency occurred and the permittee can identify the cause of the emergency;

SECTION G - GENERAL PROVISIONS (CONTINUED)

- (2) The permitted facility was at the time being properly operated;
 - (3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - (4) Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
 - (5) This requirement does not relieve the source of other local, state or federal notification requirements.
- b. Emergency conditions listed in General Condition G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
 - c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

8. Ozone Depleting Substances

- a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - (1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - (2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - (3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
 - (5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

SECTION G - GENERAL PROVISIONS (CONTINUED)

9. Risk Management Provisions

- a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 1515
Lanham-Seabrook, MD 20703-1515.

- b. If requested, submit additional relevant information to the Division or the U.S. EPA.

SECTION H - ALTERNATE OPERATING SCENARIOS

None

SECTION I - COMPLIANCE SCHEDULE

None